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TERRANCE A. MEADOR
GRAY, CARY, WARE & FREIDENRICH
4365 EXECUTIVE DRIVE
SUITE 1100
SAN DIEGO, CA 92121-2133

EXAMINER

LY, NGHI H

ART UNIT

PAPER NUMBER

2686

DATE MAILED: 07/31/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/597,016

Applicant(s)

HONG ET AL.

Examiner

Nghi H. Ly

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-12, 15-17 and 26-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Canada et al (US 6,301,514).

Regarding claims 1, 9 and 26, Canada teaches a polling method for use in communicating information from a wireless transceiver unit to a wireless base unit (see column 1 lines 15-23), the polling method comprising: receiving an information request message over a wireless communication channel (see column 10 lines 36-57), sending information in response to the information request message (also see column 10 lines 36-57), and repeating the receiving and sending on a regular basis (see column 16 lines 18-48).

Regarding claims 2 and 10, Canada further teaches initiating the repeated receiving and sending in response to a detected problem (see column 14 line 57 to column 15 line 15).

Regarding claims 3 and 11, Canada further teaches detecting a problem, sending a problem detection message in response to detecting the problem, and

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initiating the repeated receiving and sending in response to the problem detection message (see column 14 line 57 to column 15 line 15).

Regarding claims 4 and 12, Canada further teaches detecting a communication failure on a data traffic channel, and initiating the repeated receiving and sending in response to detecting the communication failure (see column 16 lines 18-30).

Regarding claim 5, Canada teaches detecting that a power failure has occurred and initiating the repeated receiving and sending in response to detecting that the power failure has occurred (see column 16 lines 18-24).

Regarding claims 6 and 7, Canada further teaches delaying a random period of time prior to sending the information (see column 14 line 57 to column 15 line 15).

Regarding claims 8 and 17, Canada further teaches the information request message comprises data indicative of a requested information type and the information sent corresponds to the requested information type (see column 9 lines 33-43).

Regarding claim 15, Canada further teaches sending the polling request message comprises broadcasting it for receipt by a plurality of wireless transceiver units, the polling method further comprising: receiving the information from each one of the wireless transceiver units at random points in time (see abstract, "the system is communicating at any given time").

Regarding claim 16, Canada further teaches sending the polling request message comprises broadcasting it for receipt by a plurality of wireless transceiver units, the polling method further comprising: receiving information from each one of the

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wireless transceiver units at random points in time over a shared channel (see column 14 lines 14-17).

Regarding claim 27, Canada further teaches the information comprises status information (see column 10 lines 36-44).

Regarding claim 28, Canada further teaches repeating the sending and receiving on a periodic basis (see column 10 lines 36-44 and see column 16 lines 18-48).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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5. Claims 13, 14, 18-25 and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Canada et al (US 6,301,514) in view of Hidem et al (US 5,749,052).

Regarding claims 13, 14, 18, 22 and 29, Canada teaches a polling method for use in communicating information from a wireless transceiver unit to a wireless base unit (see column 1 lines 15-23) and polling the wireless transceiver unit for information in response to detecting that the power failure has occurred (see column 16 lines 18-48) and polling the wireless transceiver unit for information in response to detecting that the power failure has occurred (see column 16 lines 18-24).

Canada does not specially disclose the polling method comprising: tearing down a wireless data traffic channel used by the wireless transceiver unit in response to detecting.

Hidem teaches the polling method (see column 9 lines 49-52) comprising: tearing down a wireless data traffic channel (see column 6 lines 38-42 and see column 12 lines 32-37) used by the wireless transceiver unit in response to detecting (also see column 12 lines 6-12).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to provide the teaching of Hidem into the system of Canada in order to reduce service charges to the user.

Regarding claims 19 and 23, Canada further teaches polling comprises polling for information on a periodic basis (see column 10 lines 36-44).

Regarding claims 20 and 24, Canada further teaches polling comprises sending an information request message to the wireless transceiver unit over a control channel (see column 10 lines 45-57).

Regarding claims 21 and 25, Canada further teaches polling comprises sending an information request message to the wireless transceiver unit; and receiving information from the wireless transceiver unit, if available, in response to sending the information request message (see column 10 lines 36-44).

Regarding claims 30, Canada further teaches the information comprises status information (see column 15 lines 37-40).

Regarding claims 31, Canada further teaches repeating the receiving, delaying, and sending on a periodic basis (see column 14 line 57 to column 15 line 15).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

a. Shibasaki (US 6,349,102) teaches data transmission method by polling and terminal apparatus for use in the method.

b. Johansson (US 6,480,505) teaches batched far exhaustive polling scheduler.

c. Sugaya (US 6,567,386) teaches rolling control method transmission control apparatus and transmission apparatus.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (703) 605-5164. The examiner can normally be reached on 8:30 am-5:30 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (703) 305-4379. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Nghi H. Ly



July 23, 2003

Marsha D Banks-Harold

MARSHA D. BANKS-HAROLD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600